An aerial photograph of the Oakland Inner Harbor area, showing a dense urban landscape with a network of streets and buildings. A large body of water, the harbor, is visible on the left side. A red rectangle is drawn on the right side of the image, highlighting a specific area of interest. The text "Oakland Inner Harbor Tidal Canal Presentation to the Bay Conservation & Development Commission November 17, 2016" is overlaid on the bottom left of the image.

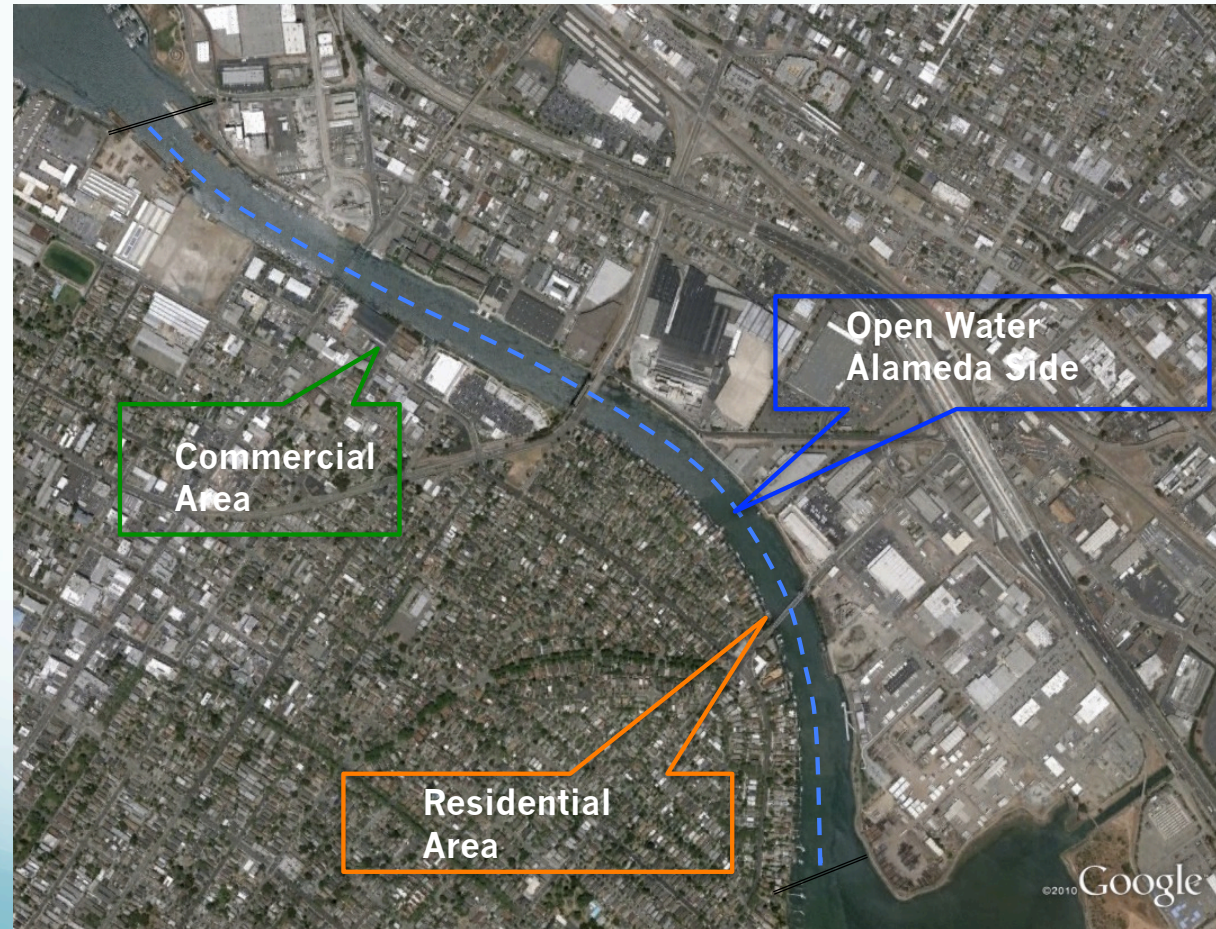
Oakland Inner Harbor Tidal Canal
Presentation to the Bay
Conservation & Development
Commission
November 17, 2016

Oakland Inner Harbor Tidal Canal (OIHTC) Presentation Agenda

- **Goal of Presentation: Briefing on the Tidal Canal Transfer/
Resolution of Waterfront Issues in Alameda**
- History of the Problem
 - Overview of Tidal Canal
 - Health, Safety, Property Concerns
- Solution: Transfer Tidal Canal
 - Overview of the Transfer
 - City's Process
 - Stakeholder Support
- Q & A

Oakland Inner Harbor Tidal Canal (OIHTC)

- 1882: US Army Corps dredged canal out of uplands
- 85 acres, 400 feet wide
- Corps exclusive ownership
- Corps authorized construction of boat houses/docks
- Approximately 100 private property owners along canal (Commercial & Residential)



Overview of the Problem

- **1990 Congress Directed US Army Corps to Sell Tidal Canal**
 - Water Resources Development Act (WRDA) authorizes Corps to transfer Alameda side to Alameda (same for Oakland).
- **2000 Corps Permitting Moratorium**
 - To encourage cities to accept property
 - Prevents new construction, maintenance or repair of existing structures
- **Ongoing Health & Safety Issue**
 - City unable to enforce code requirements
 - Resource agencies unable to effectively regulate waterfront
 - No effective regulation of the waterfront for almost 20 years
 - Deferred maintenance/dilapidated docks
- **Property Issues**
 - No mechanism to clear title issues
 - Alameda realtors previously sued over title confusion



City of Alameda Takes Action

- 2005-14: Citizens and realtors in Alameda express deep concern regarding the moratorium and request action.
 - Affected property owners (~ 100) form voluntary Waterfront Homeowner's Association to resolve problem – Very involved
- September 2014: City Council issues letter of interest to Corps
- March 2015, September 2015: City Council holds public meetings to discuss proposed transfer and directs staff to structure transaction that resolves the problem, but limits the City's liability
- Goals: Lift Permitting Moratorium, allow effective local, state and federal regulation along waterfront, resolve title issues, limit City's liability in ownership

Solution

- **City to Act as Honest Broker**
- **Lift Permitting Moratorium:** Allow for effective regulation of waterfront by resource agencies (US Army Corps, NMFS, USFWS, SF RWQCB, BCDC, CDFW) and the City
- **Rectify Title Issues:** Adjacent owners will own their existing structures

Structure of Real Estate Transaction

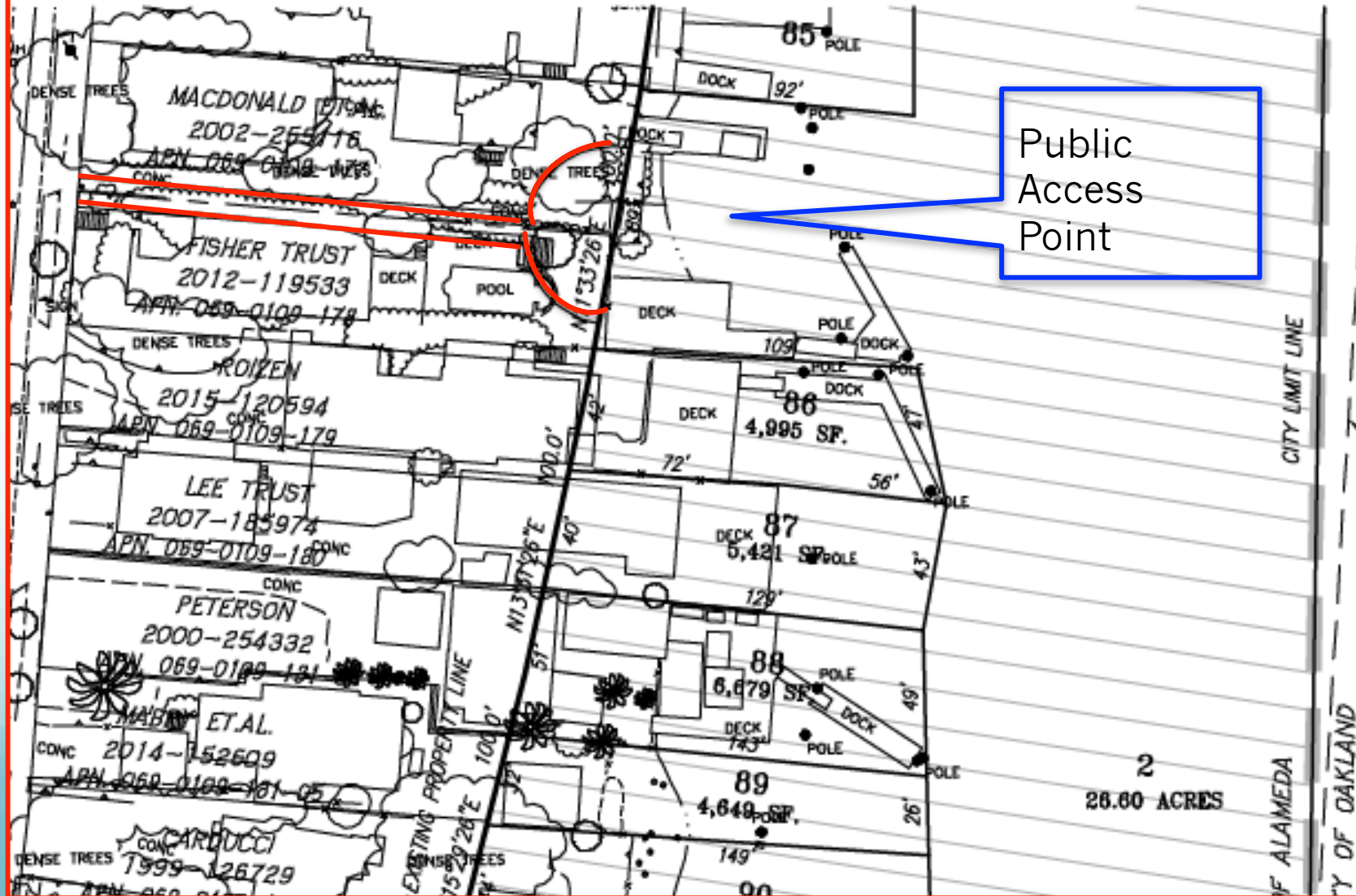
- **Real Estate Transfer - No Development Approved By the Transfer**
 - No construction authorized under this transfer
- **Structure**
 - City accepts property and immediately transfers shoreline slivers to adjacent owners
 - City retains open water area + 3 areas adjacent to existing public access pathways
- **Zoning Amendment for Tidal Canal**
 - Limits uses to maritime-dependant
 - Subject to discretionary approval at local, state, federal level
 - No construction authorized by this transfer
- **Allows Immediate Regulation by Regulatory Agencies**

Public Access Points

- Project will not affect existing upland public access
- City of Alameda owns 3 public access pathways along Fernside Boulevard that are outside the Project Area, but lead to the edge of the water
- City will retain submerged land adjacent to 3 public access areas to enhance public access in future
- Phase 2: City to determine approach for 3 public access areas with public input

SEE SHEET 9

Public
Access
Point



City Approval Process

- June 1, 2016: CEQA Negative Determination Released for Public Review
- July 17, 2016: Planning Board Review of Tentative Map
- September 20, 2016:
 - First reading of Zoning Amendment
 - Approval of Tentative Map for 99 parcels
 - Adoption of Negative Determination
- October 4, 2016:
 - Second reading of Zoning Amendment
- **December 13, 2016: Closing Date**
 - Community Support (first time in 30+ yrs all interested parties agree)
 - Reimburse City's Costs ~ \$800k
 - 100 Property owners expecting transfer – Deposits coming in

Agency and Stakeholder Support

- **US Army Corps of Engineers:** Finally able to follow congressional mandate from 1990
- **SF Regional Water Quality Control Board:** Looking forward to effective regulation of contamination issues, etc.
- **SLC Jurisdictional Determination:** No public trust restrictions on transfer (SLC Letter June 22, 2016)
- **City of Alameda:** Effective code enforcement
- **Community Support**
 - Almost 100 property owners in Alameda
 - Community of Realtors
 - Voluntary Homeowner's Association created to address this issue
- **East Bay Regional Park District**
 - City's efforts have facilitated transfer of Oakland side and expansion of Bay Trail

Questions and Answers

